| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/925,584 | 08/09/2001 | Christopher Harry Austen | AUS920010565US1 | 2968 |

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| 35525 | 7590 | 07/15/2004 |

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| EXAMINER |
|---|
| SURYAWANSHI, SURESH |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2115 | |

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
| :--- | :--- | :--- |
| **Office Action Summary** | 09/925,584 | AUSTEN ET AL. |
| | Examiner | Art Unit | |
| | Suresh K Suryawanshi | 2115 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on _09 August 2001_.

2a) ☐ This action is **FINAL**.    2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-24_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _09 August 2001_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All    b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _9/28/01_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

1.      Claims 1-24 are presented for examination.

### *Claim Rejections - 35 USC § 102*

2.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

3.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.      Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Moayyad et al

(US Patent no 6,690,400 B1).

5.      As per claims 1, 9 and 17, Moayyad et al teach


storing a plurality of different firmware images in said computer system [Fig. 1; different

OS version; col. 1, lines 31-34; multiple operating systems; col. 2, lines 18-23; one or more

operating systems]; and

rebooting one of said plurality of partitions utilizing one of said plurality of firmware

images without rebooting other ones of said plurality of partitions [col. 5, lines 9-17, 24-35; col.

7, lines 33-55; a cabinet can be booted without rebooting other one; Fig. 1; Boot Now].

6.      As per claims 2, 10 and 18, Moayyad et al teach the step of selecting said one of said

plurality of firmware images to use to reboot said one of said plurality of partitions [col. 5, lines

24-35; col. 8, lines 30-35; col. 7, lines 41-55; a cabinet is configured by selecting a partition and

selecting a operating system to boot with].

7.      As per claims 3, 11 and 19, Moayyad et al teach the step of associating a different, unique

firmware image identifier with each of said plurality of firmware images [Fig. 1; different

OS version; col. 1, lines 31-34; multiple operating systems; col. 2, lines 18-23; one or more

operating systems; inherent to the system as having a number of operating systems].

8.      As per claims 4, 12 and 20, Moayyad et al teach

associating a different, unique firmware image identifier with each of said plurality of

firmware images [Fig. 1; different OS version; col. 1, lines 31-34; multiple operating systems;

col. 2, lines 18-23; one or more operating systems; inherent to the system as having a number of

operating systems];

associating a different partition table with each one of said plurality of partitions [col. 8, lines 7-12; inherent to the system];

providing an indicator within each said different partition table, said indicator indicating whether one of said plurality of partitions that is associated with said partition table needs to be rebooted [col. 3, lines 7-12; marked as bootable]; and

providing an identifier within each said different partition table, said identifier identifying one of said plurality of firmware images [Fig. 9; col. 5, lines 24-35; col. 8, lines 30-35; col. 7, lines 41-55; a cabinet is configured by selecting a partition and selecting a operating system to boot with].

9.      As per claims 5, 13 and 21, Moayyad et al teach

routinely checking each said partition table to determine whether said indicator included within each said partition table indicates that one of said plurality of partitions associated with each said partition table is to be rebooted [col. 3, lines 7-12; partition is marked as bootable; col. 7, lines 33-34; an operating system will boot up automatically];

in response to a determination that an indicator indicates that one of said plurality of

partitions needs to be rebooted, rebooting said one of said plurality of partitions having said indicator that indicates said need to be rebooted [col. 3, lines 7-12; partition is marked as bootable; col. 7, lines 33-34; an operating system will boot up automatically].

10.    As per claims 6, 14 and 22 Moayyad et al teach

retrieving an identifier from said partition table that includes said indicator that indicates said need to be rebooted, said identifier one of said plurality of firmware images [col. 3, lines 7-12; partition is marked as bootable; col. 7, lines 33-34; an operating system will boot up automatically]; and

rebooting only said one of said plurality of partitions that includes said indicator that indicates said need to be rebooted utilizing said identifier retrieved from said partition table associated with said one of said plurality of partitions [col. 5, lines 9-17, 24-35; col. 7, lines 33-55; a cabinet can be booted without rebooting other one; Fig. 1; Boot Now].

11.    As per claims 7, 15 and 23, Moayyad et al teach

providing a listing of said plurality of partitions [col. 3, lines 1-12; list of partitions];

providing a listing of said plurality of different firmware images; receiving a selection of one of said plurality of partitions that is to be rebooted [col. 4, line 10; boot option]; and

receiving a selection of one of said plurality of firmware images to use to reboot said

selected one of said plurality of partitions [col. 3, lines 10-12; col. 5, lines 9-16].

12.     As per claims 8, 16 and 24, Moayyad et al teach

setting an indicator in a partition table associated with said selected one of said plurality

of partitions, said indicator indicating that said one of said plurality of partitions has been

selected to be rebooted [col. 3, lines 7-12; marked as bootable]; and

storing an identification of said selected one of said plurality of firmware images in said

partition table associated with said selected one of said plurality of partitions [col. 5, lines 24-35;

col. 8, lines 30-35; col. 7, lines 41-55; a cabinet is configured by selecting a partition and

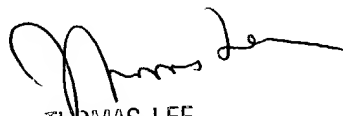selecting a operating system to boot with].

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K Suryawanshi whose telephone number is 703-305-3990. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sks
July 9, 2004

THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100